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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/213,138	12/16/1998	GEORGE A. LOPEZ	ICUMM.110A	7376
20995	7590	07/03/2007	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			HAVAN, THU THAO	
			ART UNIT	PAPER NUMBER
			3691	
			NOTIFICATION DATE	DELIVERY MODE
			07/03/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com  
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<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/213,138	LOPEZ ET AL.	
<b>Examiner</b>	<b>Art Unit</b>		
Thu Thao Havan	3691		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1)  Responsive to communication(s) filed on 21 May 2007.  
2a)  This action is **FINAL**.                  2b)  This action is non-final.  
3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

- 4)  Claim(s) 1-6 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-6 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## **Application Papers**

- 9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
    1.  Certified copies of the priority documents have been received.  
    2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
    3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 11/23/06.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5)  Notice of Informal Patent Application  
6)  Other: \_\_\_\_\_

**Detailed Action**

***Response to Amendment***

Claims 1-6 are pending. This action is in response to the RCE received May 21, 2007.

***Response to Arguments***

Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

**Claim Rejections - 35 USC § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fergerson et al. (US 5,966,697) in view of Babula et al. (US 2002/0004798).

Re claim 1, Fergerson teaches a computer system for browsing products using competitor information (figs. 2-3), the system comprising:

a product database including first data representing a ...products, including second data representing a competing ...products, and including third data representing correlations between said ...products and said competing ...products, said ...product database stored on a computer readable medium (col. 4, lines 12-57);

a dynamic page file for generating an electronic page, said dynamic page file including instructions to use said second data as a query parameter to obtain said first data from said ...product database, said first data included in said electronic store page, said dynamic page file stored on said computer readable medium (col. 4, line 58 to col. 6, line 16); and

a product information server ... said electronic store page to access said dynamic page file, to process said instructions and to provide said electronic store page to said user, said product information server running on a computer operably connected to said computer readable medium (col. 6, lines 40-67; fig. 1). In other words, Fergerson discloses virtual stores for users to do comparison shop. A user is able to browse in a hyperlink style for products using competitor information.

However, Fergerson does not explicitly teach configured to receive a request from a user to find at least one of said first set of medical products corresponding to at least one of said competing set of medical products and further configured to provide data to identify said at least one of said first set of medical products found by said product information server, the server enabling. On the other hand, Babula discloses configured to receive a request from a user to find at least one of said first set of medical products corresponding to at least one of said competing set of medical products and further configured to provide data to identify said at least one of said first set of medical products found by said product information server, the server enabling when he discloses comparison of medical products in a server (para. 0038, 0044, 0046, and 0052). Babula discloses license module is, in turn, coupled to one or more adapter utilities for interfacing the browser, server, and communications components with

modality interface tools. He discloses databases may be employed both for servicing of particular diagnostic systems and for tracking such servicing, as well as for deriving comparison data for use in servicing a particular system or a family of systems. Thus, it would have been obvious to one of ordinary skill in the art to enable a server to configure information in relation to medical products as discloses in Babula.

Re claims 2-3, Fergerson teaches a second dynamic page file for generating a second electronic page, said dynamic page file including second instructions to use information identifying a manufacturer as a query parameter to obtain said second data from said product database, said second data included in said second electronic store page, said second dynamic page file stored on said computer readable medium (col. 10, lines 21-40; fig. 3).

Re claim 4, Fergerson teaches an electronic page having a hyperlink responsive to a user selection of said hyperlink to generate said request (col. 9, lines 1-28).

Re claims 5-6, Fergerson teaches a user browser which transmits said second data to said page server upon said selection of said hyperlink (fig. 5). In figure 5, Fergerson discloses hyperlink by permitting a customer to link all the merchants' products into one payment.

### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached during her flextime schedule.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

  
Thu Thao Havan  
Art Unit: 3691  
6/23/07